

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
Eva Seria,

Plaintiff,

-against-

**AFFIRMATION IN SUPPORT OF  
JUDGMENT BY DEFAULT**

11-Civ-7594 (GBD)

Commonwealth Financial Systems, Inc.,

Defendant.

-----X

Samuel A. Ehrenfeld, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am of counsel to Fredrick Schulman & Associates, attorneys for the Plaintiff in this action, and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55 of the Federal Rule of Civil Procedure and Local Rule 55.2 thereunder, in support of the Plaintiff's application for the entry of a default judgment against the Defendant.
3. This action was commenced on October 26, 2011, by the filing of a summons and complaint alleging that the Defendant violated the provisions of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. 1692 et seq. A copy of the summons and complaint is annexed hereto as Exhibit A.
4. The summons and complaint were properly served on Corporation Service Company, Registered Agent of the Defendant on January 20, 2012. Said service was personally served by process server Steve Avery. A copy of the proof of service is annexed hereto as Exhibit B.
5. The Defendant has not answered or otherwise moved with respect to the complaint, and the time for the Defendant to answer or otherwise move the court has expired.

6. The Defendant is not an infant or incompetent. The Defendant is not presently in the military service of the United States.
7. On February 1, 2012, the Clerk of the Court noted the default of the Defendant for failure to respond to the Plaintiff's complaint. A copy of the certificate of default annexed hereto as Exhibit C.
8. The Plaintiff seeks a default judgment against the Defendant in the amount of \$9,094.00, itemized as follows: \$2,000 in actual damages to the Plaintiff pursuant to 15 U.S.C. 1692k(a)(1); \$1,000 in statutory damages pursuant to 15 U.S.C. 1692k(a)(2)(A); \$5,705.00 in attorney fees and \$389.00 in filing and service fees pursuant to 15 U.S.C. 1692(a)(3). A Statement of Damages is annexed hereto, which is justly due and owing, and no part of which has been paid except set forth.

**WHEREFORE**, Plaintiff Eva Seria requests the entry of default and the entry of the annexed Judgment against the Defendant, Commonwealth Financial Systems, Inc.

Dated: May 4, 2012

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

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